HIGH COURT OF UTTARANCHAL AT- NAINITAL.

Writ Petition No. 138(S/S)2002
(Old no. 33095 of 1994)

Lalit Mohan Arya S/o Dani Ram,
R/o village Talarh Patti, Khas Praja,
Post & District Almora. .....Petitioner.

Vs.

1. State of Uttar Pradesh through,
   Secretary (Karmik), U.P., Lucknow,
2. Sanyukta Nideshak, Bal Vikas Sewa Evam
   Pustahar, U.P. Lucknow,
3. Zila Karyakram Adhikari, Bal Vikas Evam,
   Pustahar, Pariyojana Adhikari, Bal Vikas Evam,
4. Bal Vikas Pariyojana Adhikari, Block Tarikhet,
   District- Almora. .....Respondents.

Sri Amish Tewari, learned counsel for the petitioner,
Learned Standing Counsel for the State.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Amish Tewari, learned counsel for the petitioner and learned Standing Counsel for the State of Uttaranchal.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of certiorari for quashing of the orders dated 17.07.1991, 21.05.1994 & 31.05.1994 passed by respondent nos. 1,2 & 3 respectively.

Vide order dated 17.07.1991 the Govt. had issued directions that no appointment shall be made in daily wage basis on Class III & IV posts, except in certain and unavoidable circumstances. In pursuance of the aforesaid order, the respondent no. 2 issued a letter on 21.05.1994 to all the District Programme Officers not to make appointments in daily wage basis, in compliance of which the respondent no. 3 also issued

order on 31.05.1994(annexure no. 4 to the writ petition) which is also under challenge in this writ petition.

The District Programme Officer, Bal Vikas, Almora vide its aforesaid order dated 31.05.1994 has terminated the services of the petitioner w.e.f. 31st May 1994. Contents of this letter reveals that the petitioner had worked with Department from the date of his appointment i.e. from 1st August 1991 till 31st May 1994. On daily wage basis.

The writ petition was filed in the year 1994 in the High Court of Allahabad. No stay order is in favour of the petitioner. More than 11 years have been passed but the petitioner did not file any affidavit indicating therein that posts are still vacant in the Department.

Keeping in view the facts and circumstances of the case, the petitioner is directed to make representation indicating all his grievances to the Zila Karyakram Adhikari, Bal Vikas Evam, Pustahar, Almora, who shall decide the representation sympathetically, considering on the availability of work and post with the Department, within a period of one month from the date of receipt of a certified copy of this order alongwith the representation.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 10, 2005:
NCM: